REMARKS/ARGUMENTS

The claims have been amended to replace references to Figs. with SEQ ID NOS. as requested by the Examiner. The term VTm1-1 has been deleted in favor of definition by SEQ ID NOS. Reference to VT2 variant has been deleted in the amended claims. Although the claims now require binding to VT2, they of course still include antibodies that bind to a VT2 variant as well as VT2. No amendment should be construed as acquiescence in any ground of rejection. Applicants respond to the rejection using the paragraph numbering of the office action.

3. The specification has been amended to correct the typographical errors identified in the Office Action mailed July 5, 2006. In addition, the mouse VTm1.1 antibody, originally identified as both VTm1.1 and VTm1-1 in the specification , has been amended to be identified as VTm1.1 for clarity.

4. The Examiner requests deposit of the VTm1.1 antibody. Applicants respectfully submit that a deposit is not necessary in view of the provision of amino acid sequences and corresponding cDNA sequences provided in Figs. 1A and 1B, and the definition of an antibody by reference to these sequence rather than its laboratory name in the amended claims. A humanized antibody is designed by conceptually selecting CDR and certain variable region framework residues from a mouse antibody and transplanting these into a human variable region framework. It is not necessary to have an actual mouse antibody to perform such a selection. Rather, the selection is made based on the sequence of the variable regions of the antibody. The provision of amino acid sequences thus allows the skilled person to design and make a humanized antibody in the same way as was performed by the present applicants (see Example 7). Furthermore, the cDNA sequences allow one to synthesize and express cDNA , and thus produce an antibody for comparative binding affinity or competition assays. Thus, provision of a deposited antibody is not needed for practice of the claimed invention.

5. The Examiner objects of the language "of any of claims 1." It appears that the preliminary amendment filed with the application was not correctly entered because applicants requested deletion of the "any of claims" phrase. In any event, applicants have assumed the claims read as stated by the Examiner and have amended them for proper reference to antecedent claims.

6-7. Claim 6 stands rejected as directed to nonstatuory subject matter. The claim has been amended to recite a humanized antibody. Humanized antibodies do not occur in nature, so the claim is now directed to statutory subject matter.

9. Claims 5-10, 12-13, 18-19, 21-23, 28 and 29 stand rejected under 35 USC 112, second paragraph on the basis that the claims refer to a laboratory designation VTm1-1. VTm1-1 has been deleted in favor of definition by SEQ ID NOS. s.

10. Claims 5-10, 12-13, 18-19, 21, 23, 28 and 29 stand rejected under 35 USC 112, second paragraph on the basis that it is unclear whether VTm1-1 is identical to VTm1.1. In reply, the two are identical. The term VTm1.1 is now used consistently in the specification. VTm1-1 is no longer used in the claims.

11. Claims 5-13, 18-19, 21, 23, 28 and 29 stand rejected under 35 USC 112, second paragraph for referring to figures rather than SEQ ID NOS. Applicants have replaced Figures with SEQ ID NOS.

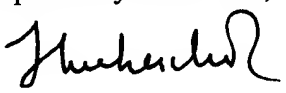
12. Claims 1-4 and 6-33 stand rejected under 35 USC 112, first paragraph for alleged lack of enablement. The Examiner alleges that the specification only teaches binding to certain variants, and does not identify the epitope to which the antibody binds.

Insofar as the rejection was directed at claims 1-4, it is moot in view of the cancellation of these claims. Also, insofar as the rejection is directed to unspecified VT2

variants, it is also moot in view of the deletion of this term from the claims. Regarding the epitope, the specification does define the epitope of the VTm1.1 antibody by means of a competition assay. Other antibodies binding to this epitope can be identified by competition with VTm1.1 (see paragraph bridging pp. 11-12). Thus, it is respectfully submitted that the pending claims are commensurate with the disclosure.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,



Joe Liebeschuetz
Reg. No. 37,505

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 650-326-2400
Fax: 650-326-2422

JOL:sjj
60901871 v1